



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3865-99
28 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 1 April 1997 at age 27. On 14 October 1997 you reported aboard the USS NEBRASKA (SSBN 739). The record shows that on 27 October 1998 you received nonjudicial punishment for making false signatures on your submarine qualification card indicating that you had passed the oral examinations for six major ship systems. The punishment imposed included a reduction in rate from MSSN (E-3) to MSSA (E-2).

Based on the offense for which you received nonjudicial punishment, you were processed for discharge by reason of misconduct. The documentation to support discharge processing is not filed in the record. However, the Board presumed that the discharge processing was conducted in accordance with regulations. The record shows that you received a general discharge by reason of misconduct on 13 January 1999. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable

service, the letters you submitted from shipmates supporting your retention in the Navy, your remorse for your actions, and your desire to have the reason for your discharge changed to enhance your employment prospects. The Board found that these factors were not sufficient to warrant a change in the reason for discharge or your reenlistment code. The Board noted that knowledge of the submarine systems is very important and an assignment based on the fraudulent signatures could have led to the death of shipmates or a loss of the submarine. The Board concluded that you were properly discharged by reason of misconduct and a change in the reason for your discharge is not warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director